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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,345	10/31/2003	Manuel Tarter-Garro	58263-010200	2285

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GREENBERG TRAUIG LLP
2450 COLORADO AVENUE, SUITE 400E
SANTA MONICA, CA 90404

EXAMINER

BUTLER, PATRICK NEAL

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/688,345	Applicant(s) TARTER-GARRO, MANUEL	
	Examiner Patrick Butler	Art Unit 1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities: "(1)" is underlined rather than marked through. Appropriate correction is required. Dependent claims 2-9 are object to as depending from an objectionable claim.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 fails to recite any positive steps to produce the weather stripping. The mere recitation that a machine is enabled and long weather stripping are produced does not set forth any steps that positively go toward producing the weather stripping (i.e. feeding the block of rubber to the die, pressing between rolls so as to cold weld etc.).

Claim 2 recites the limitation "the run" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the grooves of the blades" in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim. The blades previously described in the claim do not have grooves. Grooves are merely separating the blades.

Claim 4 recites the limitation "the grooves" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "perfectly round cut." Clarification on the term "perfectly" is required due to the engineering limitations of and associated with making something "perfectly." For purposes of examination, perfectly is taken to mean "accurate in desired dimensional size and shape."

Claim 4 recites the limitation "the areas" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the whole length" in line 6 of the claim. There is insufficient antecedent basis for this limitation in the claim. Moreover, it is unclear which "length" and what limitations constitute "whole."

Claim 5 recites the limitation "the blades" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the weather stripping surface" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the glue" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the system" in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the cardboard hubs" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the axes" in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the belts" in line 6 of the claim. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, "the belts" is taken to mean the weather stripping.

Claim 8 recites the limitation "the cases" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "silicon coated cardboard hubs" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the grooves of the blades" in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rochlin (US Patent No. 3,123,656) in view of Francis et al. (US Patent No. 4,996,092).

Rochlin teaches a method for manufacturing foamed plastic material (rubber weather stripping)(see col. 1, line 66 - col. 2, line 3), wherein a machine (see Fig. 1) is

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enabled to make rubber strips, which are round and accurate in desired dimensional size and shape (see col. 2, line 66 – col. 3, line 2).

Rochin does not teach cold welding nor explicitly that the product is to be weather stripping.

Francis teaches making foam cord (elongated strips) for sealing (weather stripping) (see col. 2, lines 54-60) by using cold welding (see col. 2, lines 41-43).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Francis's weather stripping method of cold welding with Rochin's machine and method in order to make accurately round weather stripping because Francis's welding method provides weather stripping that is remarkable circular (see col. 1, lines 44-51).

With respect to Claim 3, Rochlin and Francis teach making rubber weather stripping as previously described. The cutting blades are parallel and are separated by semicircular grooves that apply pressure to the rubber mesh piece while the grooves are aligned between the top and bottom rollers as the material goes through (See Rochlin Fig. 1). Francis teaches that the process should reach the force required to achieve cold welding (see col. 2, lines 41-43), which would conventionally include hydraulic pistons.

With respect to Claim 4, Francis teaches that force is applied evenly across all of the strips sufficient to separate all of the strips continuously, thus producing individual strips.

With respect to Claim 5, Rochlin teaches that the blades are beveled (see fig. 4) and the stripping produced has a cold welded seam continuously as previously described

With respect to Claim 6, Francis teaches that the weather stripping gets adhesive applied to it by many types of apparatus, including spraying (see col. 4, lines 12-24), and that the adhesive may be applied after forming the weather stripping individuals (see col. 5, lines 55-59). It would be obvious to one of ordinary skill in the art to heat the adhesive material in order to expedite the coating.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rochlin (US Patent No. 3,123,656) in view of Francis et al. (US Patent No. 4,996,092) as applied to claim 1 above, and further in view of Boyer (US Patent No. 3,889,801).

With respect to Claim 2, Rochlin and Francis teach making rubber weather stripping using cold welding as previously described.

Rochlin and Francis do not disclose transportation means for the weather stripping.

Boyer teaches transporting a material, and uses ducts expelling air upwards and acts on the material being transported via a conveyor belt (rubber band) with holes (See Fig. 2) and acting on the material to help transport it (see abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Boyer's air duct transport method with Rochlin and Francis's method of making weather strips in order to help transport the material (see abstract).

Claim 3 is further rejected under 35 U.S.C. 103(a) as being unpatentable over Rochlin (US Patent No. 3,123,656) in view of Francis et al. (US Patent No. 4,996,092) as applied to claim 1 above, and further in view of Gitzendanner (US Patent No. 2,997,294).

Rochlin in view of Francis teach a method for making continuous weather stripping as previously described.

Francis teaches cold welding with adequate pressure to continuously separate the weather stripping (see col. 2, lines 41-43).

Francis does not explicitly teach utilizing a hydraulic piston to achieve the pressure.

Gitzendanner teaches cold welding. Specifically, Gitzendanner provides details on effective executing cold welding (see col. 29, lines 10-69) and teaches the conventional method of delivering adequate pressure via a hydraulic piston (see col. 29, lines 58-61).

It would have been obvious to combine Gitzendanner's method of utilizing a hydraulic piston for cold welding with the method of cold welding continuous weather stripping as taught by Rochlin in view of Francis because it effectively cuts and welds (see Gitzendanner col. 30, lines 20-34) and because it is conventional practice for delivering sufficient pressure in cold welding.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rochlin (US Patent No. 3,123,656) in view of Francis et al. (US Patent No. 4,996,092) as applied to claim 1 above, and further in view of Bartmann (US Patent No. 4,324,369).

Rochlin in view of Francis teaches making weather stripping as previously described. Francis teaches utilizing a core to wind the weather stripping. The examiner takes official notice that it is conventional to construct cores of cardboard. For example, a paper towel roll or a bathroom tissue roll is constructed of cardboard.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the tube of cardboard in order to facilitate recycling the core and container since they would have the same recyclable material and for raw material cost, as the tubes in consumer product are generally not returned for reuse, as in paper towels or bathroom tissue.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize conventional automatic doffing via a double winding unit because of the features of allowing continuous collection despite changing packages.

Moreover, Bartmann teaches using a double winder to take-up material continuously (See abstract). The direction of the web (belts) would be automatically alternated and centered for successful practice of the Bartmann's invention. The loading of the cores would be conventionally automatic or manual, as they are interchangeable for the same function. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize manual placement of the cores because it decreases capital costs and simplifies machinery complexity.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Bartman's double winding method to wind the weather

stripping of Rochlin in view of Francis in order to automate the process and therefore reduce manual labor costs.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rochlin (US Patent No. 3,123,656) in view of Francis et al. (US Patent No. 4,996,092) and Bartmann (US Patent No. 4,324,369) as applied to claim 7 above, and further in view of Barnett et al. (US Patent No. 5,704,479) and Winholz (The Merck Index 9th Edition, page 1099).

Rochlin in view of Francis and Bartmann teach a method of making and winding weather stripping as previously described. Francis teaches loading the product into cases (see Francis, Fig. 4).

Rochlin in view of Francis and Bartmann do not teach silicone-coating the cardboard hub or including a cardboard part to support the hub within the cardboard packaging.

Barnett teaches an improvement to packaging spool wound products. Barnett teaches utilizing a cardboard insert to support a cardboard hub holding the wound product (see abstract and Fig. 1).

It would have been obvious to combine Barnett's cardboard hub and cardboard case insert with the weather stripping production method as taught by Rochlin in view of Francis and Bartmann in order to support the tube in the case (See Barnett abstract).

Winholz teaches that silicone is used a release agent for rubber (See Page 1099, Col. 2, section 8237, subsection "USE").

It would have been obvious to combine Winholz teaching of applying silicone to the tube (core) used in the method of making weather stripping as taught by Rochlin in view of Francis, Bartmann, and Barnett because it would allow the core, which is within a dispenser as a final product, to completely dispense the rubber stripping as silicone is a release agent to rubber (see The Merck Index 9th Edition, Page 1099, Col. 2, section 8237, subsection "USE").

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rochlin (US Patent No. 3,123,656) in view of Francis et al. (US Patent No. 4,996,092) and Boyer (US Patent No. 3,889,801) as applied to claim 2 above, and further in view of Gitzendanner (US Patent No. 2,997,294).

With respect to Claim 9, Rochlin in view of Francis and Boyer teach making rubber weather stripping using cold welding and air transporting system as previously described. Francis teaches cold welding with adequate pressure to continuously separate the weather stripping (see Francis, col. 2, lines 41-43).

Francis does not explicitly teach utilizing a hydraulic piston to achieve the pressure.

Gitzendanner teaches cold welding. Specifically, Gitzendanner provides details on effective executing cold welding (see col. 29, lines 10-69) and teaches the conventional method of delivering adequate pressure via a hydraulic piston (see col. 29, lines 58-61).

It would have been obvious to combine Gitzendanner's method of utilizing a hydraulic piston for cold welding with the method of cold welding continuous weather

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stripping as taught by Rochlin in view of Francis and Boyer because it effectively cuts and welds (see Gitzendanner col. 30, lines 20-34) and because it is conventional practice for delivering sufficient pressure in cold welding.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Butler whose telephone number is 571-272-8517. The examiner can normally be reached on Monday through Friday 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571-272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patrick Butler
Examiner
Art Unit 1732



MICHAEL P. COLAIANNI
SUPERVISORY PATENT EXAMINER